

## EXAMPLES OF ASSUMED BUSINESS NAMES

Real and True Name	Doing Business As	
<b>Tom Sorenson Construction, Inc.</b>	<b>DON'T NEED TO REGISTER ABN</b>	<b>NEED TO REGISTER ABN</b>
	Tom Sorenson Construction, Inc.	Tom Sorenson Construction Tom Sorenson Homes TSC Homes
<b>Jane J. Jones</b>	Jane J. Jones Enterprises	Jane Jones Enterprises Jane's Enterprises Jones Enterprises Jane J. Jones & Company Jane Jones & Associates
	Michael L. Jones & John Smith Michael L. Jones & John Smith Enterprises	Michael Jones & John Smith Mike Jones & John Smith M. Jones & J. Smith Jones & Smith M & J Enterprises

### PROTECTING AND DEFENDING YOUR NAME

*Registering your name does not give you the right to use it.*

The law requires business owners to register a public record of assumed business names and entities such as corporations, but the authority to use the name comes only through asserting those rights through use and legal action.

Registering your name **does not** imply you can legally use it. For example, you might be able to register "Starbucks Coffee and Tea" with the Corporation Division, but the real Starbucks could still sue you. Also, someone may register a business name that is like yours, but not exactly the same. That doesn't suggest they have a right to use that name, it just means they have told the public they want to do business using that name.

Your right to your business name is mainly established by using the name in business, and is enforced by legal action – **not** by the Corporation

Division. This may mean you will need to sue in court to stop the offender.

If you find yourself in this situation, it is very important to get the advice of an attorney. Consider what the loss of business and reputation will cost you if you do not get proper advice. If you weigh the time and expense it will take to straighten out mix-ups with the other business against a visit or two to a lawyer, you will have a better idea of just how affordable a consultation might be.

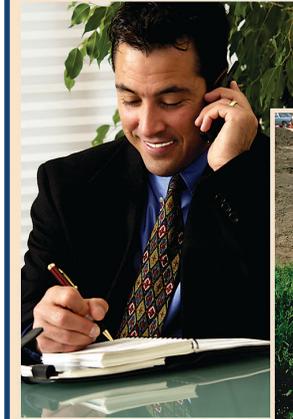
To find a business attorney, consult the Oregon Bar Association's free referral service at 1-800-452-7636, or ask other business owners whom they recommend.

To get more information on registering a business name, please visit our website at [www.filinginoregon.com](http://www.filinginoregon.com), or call us at (503) 986-2200.

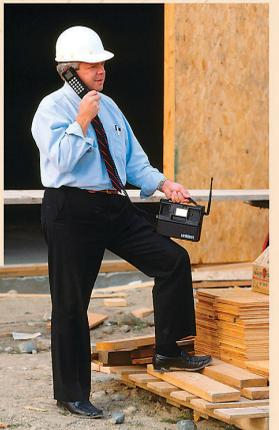


Registering Your Business Name  
BICFLY1200  
(English)

# REGISTERING YOUR



# BUSINESS NAME



- Who is Required to Register and Use an Assumed Business Name?
- Why Register Your Business Name?
- What Names are Available?
- What Makes a Name Distinguishable?
- Protecting and Defending Your Business Name?

## WHO IS REQUIRED TO REGISTER AND USE AN ASSUMED BUSINESS NAME?

If the name of your business includes the “real and true” name of each owner, then you do not have to use or register an assumed business name. A “real and true” name means your first name, middle initial or name, and last name. For example, if your name is Jane J. Jones, and you conduct business under the name Jane J. Jones Enterprises, you would not be required to register an assumed business name. For corporations, limited liability companies, and other business entities, the business name registered with the Corporation Division is the real and true name of the business, so no additional name registration is required. An assumed business name is only required for entities like corporations and LLCs if they are conducting business under a name other than the registered name for the entity. See Examples of Assumed Business Names for more information about which businesses must register an assumed business name.

## WHY REGISTER YOUR BUSINESS NAME?

**The main reason to register your business name is to tell the public (and other businesses) who is doing business under that name.**

The law requires people doing business using an assumed name in Oregon to register it as a public record with the State of Oregon Corporation Division. This registration lets the public know that the holder of the name intends to

do business under that name, and both aids the business owner in establishing the name with other businesses, and gives the public contact information for legal proceedings. Similarly, to create a business entity such as a corporation or limited liability company, proper organization documents must be filed with the division

If a person transacts business with an **unregistered** assumed business name, he or she may not have standing in court to pursue or defend legal actions, and may find it difficult to do business, for example, getting licenses, opening bank accounts, and entering into contracts.



*Registering the name with the Corporation Division does not provide exclusive rights to use the name.* See the section on Protecting and Defending Your Name for more information.

## WHAT IS “AVAILABLE”?

The business name must be available for registration purposes. That means that no other business with **exactly the same name** has an active (up to date) registration on the division’s database. There may be businesses with that name that have let the registration lapse or expire. There may be businesses in **other** Oregon counties, states or countries that do business under that name. There may even be businesses in Oregon that are operating under that name, but have not yet registered. The Corporation Division’s records do not include every business that may be **using** that name, but if the name is not already taken by an active registration on the database, it is available for you to register in the public record. That said, just because a name is “available”



does not mean that registering the name is advisable. See the section on Protecting and Defending Your Name for more information.

## WHAT IS “DISTINGUISHABLE”?

The law requires the Secretary of State to accept names that are “distinguishable upon the record.”

Basically, a business name is “distinguishable” if it does not exactly copy a name already on record. A word, the order of key words, addition of numbers, creative spelling, or even a letter’s difference in a name is often enough to tell it apart from another name in the database, and make it distinguishable. In addition, an assumed business name is filed by county, so there may be identical names in the database but associated with different counties.